

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re:

PATRIOT COAL CORPORATION, *et al.*,

Debtors.

Chapter 11

Case No. 15-32450 (KLP)

Jointly Administered

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Plaintiff,

Adv. Proc. No. 16-03105 (KLP)

-against-

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Defendants.

VIRGINIA CONSERVATION LEGACY FUND, INC. and
ERP COMPLIANT FUELS, LLC,

Counterclaim-Plaintiffs,

-against-

BLACK DIAMOND COMMERCIAL FINANCE, LLC,

Counterclaim-Defendant.

STIPULATION REGARDING CERTAIN DISCOVERY DEADLINES

This Stipulation is entered into this 31st day of October, 2016, by and among plaintiff/counterclaim-defendant Black Diamond Commercial Finance, LLC (“Black Diamond”) and defendants/counterclaim-plaintiffs Virginia Conservation Legacy Fund, Inc. (“VCLF”) and ERP Compliant Fuels, LLC (“ERP,” and together with Black Diamond and VCLF, the “Parties”),

in the above-captioned adversary proceeding, pursuant to Rule 29 of the Federal Rules of Civil Procedure, as incorporated herein by Rule 7029 of the Federal Rules of Bankruptcy Procedure.

WHEREAS, Black Diamond served a *subpoena duces tecum* on non-party Teneo Restructuring (“Teneo”) on or about September 21, 2016 (the “Teneo Subpoena”);

WHEREAS, Black Diamond served a *subpoena duces tecum* on non-party Pillsbury Winthrop Shaw Pittman LLP (“Pillsbury”), counsel for VCLF and ERP, on or about October 17, 2016 (the “Pillsbury Subpoena”);

WHEREAS, on October 7, 2016, the Parties agreed to the Second Amended Joint Proposed Scheduling Order, which was so-ordered by this Court on October 13, 2016 (the “Scheduling Order”) (ECF Doc. No. 44);

WHEREAS, the Scheduling Order does not specify a date by which the Parties must exchange privilege logs;

WHEREAS, the Parties now wish to stipulate to extend or set certain discovery related deadlines not addressed in the Scheduling Order;

WHEREAS, the extension or setting of these discovery-related deadlines will not interfere with the time set for completing discovery, for hearing a motion, or for trial;

THE PARTIES NOW, THEREFORE, STIPULATE AND AGREE, by their undersigned counsel, that:

1. Teneo shall complete production of documents responsive to the Teneo Subpoena, if any, on or before November 4, 2016.
2. Pillsbury shall serve objections to the Pillsbury Subpoena, if any, on or before November 11, 2016.
3. The Parties shall exchange privilege logs on or before November 28, 2016.

4. Subject to and without waiving any potential objections to the Pillsbury Subpoena, to the extent Pillsbury determines to produce documents in response to the Pillsbury Subpoena, it shall complete production of documents responsive to the Pillsbury Subpoena on or before December 1, 2016.

5. Pillsbury shall produce its privilege log on or before December 9, 2016.

WE ASK FOR THIS:

/s/ Patrick J. Potter
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*Counsel to Virginia Conservation Legacy Fund,
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*Counsel to Black Diamond Commercial
Finance, LLC*

Dated: Richmond, Virginia
_____, 2016

THIS STIPULATION IS SO ORDERED:

Nov 3 2016

/s/ Keith L. Phillips

UNITED STATES BANKRUPTCY JUDGE

Entered on Docket: Nov 4 2016